

05-19-04

AF/1642  
IPW

PTO/SB/31 (08-03)

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**NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

511582002100



In re Application of  
Daniel E. H. AFAR, et al.

Application Number  
09/697,206

Filed  
October 26, 2000

For NOVEL GENE UPREGULATED IN CANCERS OF THE  
PROSTATE

Art Unit  
1642

Examiner  
M. Davis

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 330.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown  
above is reduced by half, and the resulting fee is: \$ 165.00

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account.  
I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to  
Deposit Account No. 03-1952 . I have enclosed a duplicate copy of this sheet. Fee Transmittal form  
(PTO/SB/17) is attached to this submission in duplicate.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

☐ applicant /inventor

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b)  
is enclosed. (Form PTO/SB/96)

☐ attorney or agent of record.

Registration number \_\_\_\_\_

☒ attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a). 50,128

Signature

David L. Devernoe  
Typed or printed name

(858) 720-7943

Telephone number

5/17/04  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of 1 forms are submitted.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL 961009507 US,  
in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown  
below.

Dated: May 17, 2004

Signature: (Deborah Wykes)

SD-174449

05/20/2004 HRL111 00000144 031952 09697206

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